

**IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD**

(Special Original Jurisdiction)

**MONDAY, THE NINTH DAY OF AUGUST
TWO THOUSAND AND FOUR**

PRESENT

HON'BLE SRI DEVINDER GUPTA, THE CHIEF JUSTICE

and

HON'BLE SRI JUSTICE C.V.RAMULU

Taken up WRIT PETITION No.23174 of 2000

Between:

Sri Kalyan Murthy
R/o.Indanoor (Village)

Kodangal Mandal,
Mahaboob Nagar District

..... PETITIONER

AND

1 The Village Administrative Officer
Indanoor (Village),

Kodangal (Mandal),

Mahaboob Nagar Dist.

2 The MRO
Indanoor (Village),

Kodangal(Mandal),Mahaboob Nagar Dist.

3 The RDO
Kodangal(Mandal),Mahaboob Nagar Dist.

4 The District Magistrate and Collector,
Mahaboob Nagar

5 The Asst.Director Department of Mines and Geology
Mahaboob Nagar

6 The Director of Mines & Geology Department
Govt, of A.P

- 7 The Superintendent of Police
Mahaboob Nagar Dist. Mahaboob Nagar
- 8 The Secretary to Govt. of A.P, Revenue Department
Secretariat, Hyderabad
- 9 The Secretary to Govt. of A.P.,

Mines and Geology Department
Secretariat, Hyderabad

- 10 The Secretary to Govt. of A.P (Home) Police Department
Secretariat Hyderabad

.....RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue an order, direction, or a writ, more particularly one in the nature of Writ of Mandamus; calling for records and remarks from the respondents herein, in and connected to "Illegal quarrying operations in Govt. and patta lands bearing Sy.Nos.58,97,98,99 and 100 situated in the Indanoor Village, Kodangal Mandal, Mahaboob Nagar District in collusion with the Revenue and Govt. authorities causing huge revenue loss to the government and creating serious ecological imbalance in the region" and pass such order or orders to curb the corruption and illegal activities in the matter and to pass such order or further orders as this Hon'ble Court may deem fit and proper in the circumstances of the case.

Counsel for the Petitioner :PETITION

Counsel for the Respondents : G.P. for Revenue

G.P. for Home

The Court made the following :

ORDER: (Per Hon'ble the Chief Justice)

This is a taken up petition entertained on the basis of letter received from Sri Kalyan Murthy, a resident of Indanoor village, Kodangal Mandal, Mahabubnagar district. The petitioner had in the letter addressed to the Chief Justice sought action to be taken to correct the menace of illegal quarrying in Government and patta land in Indanoor village, Kodangal mandal.

On notice being issued, D.Sanjeeva Reddy, Mandal Revenue Officer, Kodangal Mandal, for himself and on behalf of 2nd, 3rd, 4th and 8th respondents, filed affidavit pointing out the mala fides of the petitioner in sending the representation to the Chief Justice for initiation of proceedings, whereas it is pointed out that there is no inaction on the part of respondents. Deponent has placed on record details of the lands referred to in the petition stating that the open land in Sy.No.58 was Ac.9-01 guntas and the remaining encroached land has been removed except the residential houses and it has been assured in the affidavit that the said encroachment would be removed shortly. Out of the balance area to the extent of Ac.24-02 guntas in Sy.No.58, it is stated that Ac.12-20 guntas was assigned to six beneficiaries, they are using it for agricultural purposes and the remaining is unfit for agriculture. Details of the remaining part of the Government and patta land have been furnished stating that earlier there was illegal mining of Shabad roofing stones in part of the land. It was resorted to by the villagers without any notice and they used to extract roofing stones with the consent of the pattedars, but there was no commercial exploitation of the stones. The agricultural labourers manually dug the land and moved the roofing slabs and sent to the ryots on payment. Beyond that, this activity was not in existence. Later on, whenever respondents noticed mining activity in the village, there was seizure seizing of implements and registration of police cases against the offending parties. Now there is a ban imposed upon the removing of the roofing stones, it cannot be done without prior permission of the Government, and there is strict vigilance over the lands by the village servants and Village Administrative Officers for day-to-day inspections and matters are reported for taking action against offending persons. Mandal Revenue Officer undertook frequent inspections and assured that no further violation would take place.

In view of the affidavit in reply, no further directions need be issued in this petition. Accordingly, the writ petition is closed.

DEVINDER GUPTA, C.J.

C.V.RAMULU, J

09-08-2004

bsc

To

1 The Village Administrative Officer
Indanoor (Village),

Kodangal (Mandal),

Mahaboob Nagar Dist.

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Indanoor (Village),

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Mines and Geology Department

Secretariat, Hyderabad

10 The Secretary to Govt. of A.P (Home) Police Department
Secretariat Hyderabad

11. The Special officer, Public Interest Litigation Cell, High Court
Buildings, Hyderabad.

12. The Secretary, A.P. State Legal Aid and Advisory Board, High
Court buildings, Hyderabad.

13. The Secretary to Govt. of A.P., Home Department,
Secretariat, Hyderabad.

14. 2 CCs each to Govt. Pleaders for Revenue and Home, High Court
Buildings, Hyderabad.

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